

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE ENROLLED ACT No. 1781

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AN ACT to amend the Indiana Code concerning alcohol and controlled substances.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 7.1-1-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. ~~Scope.~~ **Except as provided in IC 7.1-5-1-3 and IC 7.1-5-1-6**, this title applies to the commercial manufacturing, bottling, selling, bartering, importing, transporting, delivering, furnishing, or possessing of alcohol, alcoholic beverages, industrial alcohol, malt, malt syrup, malt extract, liquid malt or wort.

SECTION 2. IC 7.1-5-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. ~~Public Intoxication Prohibited.~~ It is a Class B misdemeanor for a person to be in a public place or a place of public resort in a state of intoxication **caused by the person's use of alcohol or a controlled substance (as defined in IC 35-48-1-9).**

SECTION 3. IC 7.1-5-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. ~~Intoxication Upon Common Carrier Prohibited.~~ It is a Class B misdemeanor for a person to be, or to become, intoxicated **as a result of the person's use of alcohol or a controlled substance (as defined in IC 35-48-1-9)** in or upon a vehicle commonly used for the public transportation of passengers, or in or upon a common carrier, or in or about a depot, station, airport, ticket office, waiting room or platform.

SECTION 4. IC 33-19-6-10 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. **(a)** In each action in which a person is found to have:

- (1) committed an offense under IC 9-30-5;
- (2) violated a statute defining an infraction under IC 9-30-5; ~~or~~
- (3) been adjudicated a delinquent for an act that would be an offense under IC 9-30-5, if committed by an adult;

and the person's driving privileges are suspended by the court or the bureau of motor vehicles as a result of the finding, the clerk shall collect an alcohol and drug countermeasures fee of two hundred dollars (\$200).

**(b)** In each action in which a person is charged with an offense under IC 9-30-5 and, by a plea agreement or agreement of the parties that is approved by the court:

- (1)** judgment is entered for an offense under:

- (A) IC 9-21-8-50;
- (B) IC 9-21-8-52;
- (C) IC 7.1-5-1-3; or
- (D) IC 7.1-5-1-6; and

- (2)** the defendant agrees to pay the alcohol and drug countermeasures fee;

the clerk shall collect an alcohol and drug countermeasures fee of two hundred dollars (\$200).

SECTION 5. [EFFECTIVE JULY 1, 2001] **This act applies to offenses committed after June 30, 2001.**

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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

Approved: \_\_\_\_\_

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Governor of the State of Indiana

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